

CHAPTER 7
IMMUNIZATION OF PERSONS ATTENDING ELEMENTARY OR
SECONDARY SCHOOLS OR LICENSED CHILD CARE CENTERS

[Prior to 7/29/87, Health Department[470]]

641—7.1(139A) Definitions.

“Admitting official” means the superintendent of schools or the superintendent’s designated representative if a public school; if a nonpublic school or licensed child care center, the governing official of the school or child care center.

“Applicant” means any person seeking enrollment in a licensed child care center or elementary or secondary school.

“Department” means the Iowa department of public health.

“Elementary school” means kindergarten if provided, and grades one through eight or grades one through six when grades seven and eight are included in a secondary school.

“Enrolled user” means a user of the registry who has completed an enrollment form that specifies the conditions under which the registry can be accessed and who has been issued an identification code and password by the department.

“Immunization registry” or *“registry”* means the database and file server maintained by the department as well as the software application that allows enrolled users to exchange immunization records.

“Licensed child care center” means a facility licensed by the Iowa department of human services to provide child day care for seven or more children or a prekindergarten or preschool learning center operated by local school districts, area educational agencies, or colleges or universities.

“Nurse practitioner” means a person licensed to practice as a registered nurse pursuant to Iowa Code chapter 152 and certified by a professional certifying body approved by the board of nursing.

“Physician” means a person licensed to practice medicine and surgery or osteopathic medicine and surgery pursuant to Iowa Code chapter 148, 150, or 150A.

“Physician assistant” means a person licensed to practice as a physician assistant pursuant to Iowa Code chapter 148C.

“Provisional enrollment” means enrollment for a period of time not to exceed the limit specified in subrule 7.6(2) to allow the applicant to meet the requirements of these rules. A provisionally enrolled applicant is entitled to access to all the benefits, activities, and opportunities of the school or child care center. Provisional enrollment shall not deny the school funding for the applicant.

“Public health nurse” means a nurse who provides immunization services under the direction of a local board of health.

“Secondary school” means (a) a junior high school comprising grades 7, 8 and 9, and a senior high school; (b) a combined junior-senior high school comprising grades 7 through 12; (c) a junior high school comprising grades 7 and 8 and a high school comprising grades 9 through 12; (d) a high school comprising grades 9 through 12.

641—7.2(139A) Persons included. The immunization requirements specified elsewhere in these rules apply to all persons enrolled or attempting to enroll in a licensed child care center or a public or nonpublic elementary or secondary school in Iowa.

641—7.3(139A) Persons excluded. Exclusions to these rules are permitted on an individual basis for medical and religious reasons. Applicants approved for medical or religious exemptions shall submit to the admitting official a valid Iowa department of public health certificate of immunization exemption.

7.3(1) A medical exemption may be granted to an applicant when, in the opinion of a physician, nurse practitioner, or physician assistant, the required immunizations would be injurious to the health and well-being of the applicant or any member of the applicant's family or household. A medical exemption may apply to all the required immunizations. A waiver to a specific vaccine due to an age restriction or medical contraindication shall be indicated on the certificate of immunization. A certificate of immunization exemption for medical reasons is valid only when signed by a physician, nurse practitioner, or physician assistant. If, in the opinion of the physician, nurse practitioner, or physician assistant issuing the medical exemption, the exemption should be terminated or reviewed at a future date, an expiration date shall be recorded on the certificate of immunization exemption.

7.3(2) A religious exemption may be granted to an applicant if immunization conflicts with a genuine and sincere religious belief. A certificate of immunization exemption for religious reasons shall be signed by the applicant or, if the applicant is a minor, by the parent or guardian or legally authorized representative and shall attest that immunization conflicts with a genuine and sincere religious belief and that the belief is in fact religious, and not based merely on philosophical, scientific, moral, personal, or medical opposition to immunizations. The certificate of immunization exemption for religious reasons is valid only when notarized. Religious exemptions shall become null and void during times of emergency as determined by the state board of health and declared by the director of public health.

641—7.4(139A,75GA,ch1068) Required immunizations.

7.4(1) *0-2 months of age:* Immunization not required.

7.4(2) *2-18 months of age:* Applicants enrolled or attempting to enroll in a licensed child care center shall have received:

- a.* At least one dose of combined diphtheria, tetanus, and pertussis vaccine. Pediatric diphtheria and tetanus vaccine may be substituted when pertussis vaccine is contraindicated for the child;
- b.* At least one dose of trivalent polio vaccine; and
- c.* At least one dose of haemophilus influenzae type B vaccine.

7.4(3) Rescinded IAB 6/5/96, effective 7/10/96.

7.4(4) Rescinded IAB 6/5/96, effective 7/10/96.

7.4(5) *18 months of age and older:* Applicants enrolled or attempting to enroll in a licensed child care center shall have received:

- a.* At least three doses of combined diphtheria, tetanus, and pertussis vaccine. Adult tetanus and diphtheria vaccine or pediatric diphtheria and tetanus vaccine may be substituted for combined diphtheria, tetanus and pertussis vaccine when pertussis vaccine is contraindicated for the child; and
- b.* At least three doses of trivalent polio vaccine; and
- c.* At least three doses of haemophilus influenzae type B vaccine; or one dose of haemophilus influenzae type B vaccine after 15 months of age; and
- d.* At least one dose of rubeola (measles) and rubella containing vaccine received after the applicant was at least 12 months of age; and
- e.* At least one dose of varicella vaccine received after the applicant was at least 12 months of age, unless the applicant has had a reliable history of natural disease.

7.4(6) 4 years of age and older: Applicants enrolled or attempting to enroll in a public or nonpublic elementary or secondary school shall have received the following:

a. At least three doses of combined diphtheria, tetanus, and pertussis vaccine. At least one dose of combined vaccine shall have been received after the applicant's fourth birthday. Applicants seven years of age and older are exempt from receiving further doses of pertussis vaccine; therefore, adult tetanus and diphtheria should be used. For children younger than seven years of age, pediatric diphtheria and tetanus vaccine should be substituted when the pertussis vaccine is contraindicated for the child; and

b. At least three doses of trivalent polio vaccine. At least one dose of trivalent polio vaccine shall have been received after the applicant's fourth birthday; and

c. At least one dose of rubeola (measles) and rubella containing vaccine or demonstrate a positive antibody test if the applicant enrolled prior to July 3, 1991. This dose shall have been received after the applicant was at least 12 months of age. Applicants enrolled or attempting to enroll for the first time on or after July 3, 1991, shall have received at least two doses of rubeola (measles) and rubella containing vaccine or demonstrate a positive antibody test. The first dose shall have been received after the applicant was at least 12 months of age. The second dose shall have been received no less than 30 days after the first dose; and

d. At least three doses of hepatitis B vaccine if the applicant was born on or after July 1, 1994, prior to the applicant's enrollment in school; and

e. At least one dose of varicella vaccine if the applicant was born on or after September 15, 1997, unless the applicant has had a reliable history of natural disease, prior to the applicant's enrollment in school. This dose shall have been received after the applicant was at least 12 months of age.

641—7.5(139A) Proof of immunization.

7.5(1) Applicants, or their parents or guardians, shall submit a valid Iowa department of public health certificate of immunization to the admitting official of the school or licensed child care center in which the applicant wishes to enroll. To be valid, the certificate shall be the certificate of immunization issued and provided by the department, a computer-generated copy from the immunization registry, or a certificate of immunization which has been approved in writing by the department and shall be signed by a physician, a physician assistant, a nurse in an attending physician's office, a nurse practitioner, a county public health nurse, a school nurse, or an official of a local health department. The judgment of the adequacy of the applicant's immunization history should be based on records kept by the person signing the certificate of immunization or personal knowledge of the applicant's immunization history, or comparable immunization records from another person or agency, or an international certificate of vaccination, or the applicant's personal health records. If personal health records are used to make the judgment, the records shall provide the types of immunizations received, and the dates, and the sources of the immunizations. Persons validating the certificates of immunization are not held responsible for the accuracy of the information used to validate the certificates of immunization if the information is from sources other than their own records or personal knowledge.

7.5(2) Persons wishing to enroll who do not have a valid Iowa department of public health certificate of immunization available to submit to the admitting official shall be referred to a physician, a physician assistant, a nurse in an attending physician's office, a nurse practitioner, a county public health nurse, a school nurse, or an official of a local health department to obtain a valid certificate.

641—7.6(139A) Provisional enrollment.

7.6(1) Applicants who have begun but not completed the required immunizations may be granted provisional enrollment. To qualify for provisional enrollment, applicants shall have received at least one dose of each of the required vaccines or be a transfer student from another school system. Applicants shall submit a valid Iowa department of public health provisional certificate of immunization to the admitting official of the school or licensed child care center in which the applicant wishes to be provisionally enrolled. To be valid, the certificate shall be signed by a physician, a physician assistant, a nurse in an attending physician's office, a nurse practitioner, a county public health nurse, a school nurse, or an official of a local health department. Persons validating the provisional certificates of immunization are not held responsible for the accuracy of the information used to validate the provisional certificate of immunization if the information is from sources other than their own records or personal knowledge.

a. Any person wishing to be provisionally enrolled who does not have a valid Iowa department of public health provisional certificate of immunization to submit to the admitting official shall be referred to a physician, a physician assistant, a nurse in an attending physician's office, a nurse practitioner, a county public health nurse, a school nurse, or an official of a local health department to obtain a valid certificate.

b. Reserved.

7.6(2) The amount of time allowed for provisional enrollment shall not exceed 120 calendar days or the remainder of the semester in which the applicant is currently provisionally enrolled, whichever is greater. The period of provisional enrollment shall begin on the date the certificate is signed. The person signing the certificate shall assign an expiration date to the certificate and shall indicate the remaining immunizations, if any, required to qualify for a certificate of immunization.

7.6(3) The applicant or parent or guardian shall ensure that the applicant receive the necessary immunizations during the provisional enrollment period and shall submit a certificate of immunization to the admitting official by the end of the provisional enrollment period.

7.6(4) If the applicant has not submitted a certificate of immunization by 30 calendar days prior to the expiration of the provisional enrollment, the admitting official shall notify the applicant, or if a minor, the minor's parents or guardian in writing of the impending expiration of provisional enrollment and invite the applicant and parents or guardian for a conference to discuss the rules regarding provisional enrollment.

7.6(5) If at the end of the provisional enrollment period the applicant or parent or guardian has not submitted a certificate of immunization, the admitting official shall immediately exclude the applicant from the total school program until the applicant or parent or guardian submits a validated certificate of immunization.

7.6(6) If at the end of the provisional enrollment period the applicant has not completed the required immunizations, the provisional enrollment may be extended if the applicant or parent or guardian submits another Iowa department of public health provisional certificate of immunization accompanied by a statement from a doctor that the necessary immunization(s) could not be given due to the applicant's medical status during the provisional enrollment period.

641—7.7(139A) Records and reporting.

7.7(1) It shall be the duty of the admitting official of a licensed child care center or elementary or secondary school to ensure that the admitting official has a valid Iowa department of public health certificate of immunization, certificate of immunization exemption, or provisional certificate of immunization on file for each child enrolled. The admitting official shall ensure that the certificate be properly completed and include dates of immunization, sources of immunization, and validation by the appropriate party.

a. The admitting official shall keep the certificates on file in the school or licensed child care center in which the applicant is enrolled and assist the applicant or parent or guardian in the transfer of the certificate to another school upon the transfer of the applicant to another school.

b. Unless otherwise requested by the applicant, or parent or guardian, the admitting official shall retain the Iowa department of public health certificate of immunization, or certificate of immunization exemption, or provisional certificate of immunization for three years commencing upon the transfer or graduation of the applicant or the school may choose to provide the permanent immunization record to the student at time of graduation. Included with the immunization record a letter should state that this is an important document that will be needed by the student for college or employment and should be permanently retained.

7.7(2) It shall be the duty of the local boards of health to audit the Iowa department of public health certificates of immunization, certificates of immunization exemption, and provisional certificates of immunization in the schools within their jurisdiction to determine compliance with Iowa Code section 139A.8. The local boards of health shall furnish the Iowa department of public health within 30 days of the first official day of school a report of the audit. The report shall be submitted for each school within the local board of health's jurisdiction and shall include the enrollment by grade, and the number of Iowa department of public health certificates of immunization, certificates of immunization exemption, and provisional certificates of immunization by grade.

7.7(3) The local board of health and the Iowa department of public health shall have the right to have access to the Iowa department of public health certificates of immunization, certificates of immunization exemption, and the provisional certificates of immunization of children enrolled in elementary and secondary schools and licensed child care centers within the constraints of the privacy rights of parents and students.

641—7.8(139A) Providing immunization services. It shall be the duty of the local boards of health to provide immunization services where no local provision exists for the services.

641—7.9(139A) Compliance. Applicants not presenting proper evidence of immunization, or exemption, are not entitled to enrollment in a licensed child care center or elementary or secondary school under the provisions of Iowa Code section 139A.8. It shall be the duty of the admitting official to deny enrollment to any applicant who does not submit proper evidence of immunization according to rule 7.5(139A) and to exclude a provisionally enrolled applicant in accordance with rule 7.6(139A).

641—7.10(22) Iowa's immunization registry.

7.10(1) *Iowa's immunization registry.* The department shall maintain a statewide immunization registry. Enrolled users are responsible for purchasing and maintaining all computer hardware related to use of the registry and for providing an Internet connection to transfer information between the user's computer and the registry.

7.10(2) Purpose and permitted uses of registry. The registry shall consist of immunization information, including identifying and demographic data, to allow enrolled users to maintain and access a database of immunization histories for purposes of ensuring that patients are fully immunized. Enrolled users shall not use information obtained from the registry to market services to patients or nonpatients, to assist in bill collection services, or to locate or identify patients or nonpatients for any purpose other than those expressly provided in this rule.

7.10(3) Release of information to the registry. Enrolled users shall provide immunization information including identifying and demographic data to the registry. Information provided may include, but is not limited to, the following:

- a. Name of patient;
- b. Gender of patient;
- c. Date of birth;
- d. Race;
- e. Ethnicity;
- f. Birth state and birth country;
- g. Address;
- h. Parents' names;
- i. Mother's maiden name;
- j. Type of vaccination administered;
- k. Dose or series number of vaccine;
- l. Date vaccination was administered;
- m. Lot number;
- n. Contraindications, precautions;
- o. Provider name, license, and business address; and
- p. Patient history, including previously unreported doses.

7.10(4) Confidentiality of registry information. Immunization information, including identifying and demographic data maintained on the registry, is confidential and may not be disclosed except under the following limited circumstances:

- a. The department may release information from the registry to the following:
 - (1) The person immunized or the parent or legal guardian of the person immunized;
 - (2) Enrolled users of the registry who have completed an enrollment form that specifies the conditions under which the registry can be accessed and who have been issued an identification code and password by the department;
 - (3) Persons or entities requesting immunization data in an aggregate form that does not identify an individual either directly or indirectly.
- b. Enrolled users shall not release immunization data obtained from the registry except to the person immunized, the parent or legal guardian of the person immunized, health records staff of licensed child care centers and schools, medical or health care providers providing continuity of care, and other enrolled users of the registry.

641—7.11(22) Release of immunization information.

7.11(1) *Between a physician, a physician assistant, a nurse in an attending physician's office, a nurse practitioner, or a county public health nurse and the elementary or secondary school or licensed child care center that the child attends.* A physician, a physician assistant, a nurse in an attending physician's office, a nurse practitioner, or a county public health nurse shall disclose a student's immunization information, including the student's name, date of birth, and demographic information, the day, month, year and name of vaccine administered, and clinic source and location, to an elementary or secondary school or a licensed child care center upon written or verbal request from the elementary or secondary school or licensed child care center. Written or verbal permission from a student or parent is not required to release this information to an elementary or secondary school or licensed child care center.

7.11(2) *Among physicians, physician assistants, nurses in an attending physician's office, nurse practitioners, and county public health nurses.* Immunization information, including the student's name, date of birth, and demographic information, the day, month, year and name of vaccine administered, and clinic source and location, shall be provided by one physician, physician assistant, nurse in an attending physician's office, nurse practitioner, or county public health nurse to another health care provider without written or verbal permission from the student or the parent.

These rules are intended to implement Iowa Code sections 139A.8 and 22.7(2).

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CHAPTER 8**SEXUAL ASSAULT EXAMINATION AND REIMBURSEMENT**

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[Transferred to Department of Justice[61]; see 61—9.82, 9.83]